

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

HOWARD DAVIDSON

Plaintiff,

vs.

JOHN DOE 1 (using the screen name “Jake” or
“Jake of Arlington Massachusetts” on the website
www.ripoffreport.com).

Defendants.

) CIVIL ACTION NO.: #18CV11394

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JUDGE: Boal

**PLAINTIFF’S MOTION FOR LEAVE TO SERVE THE DEFENDANT BY
PUBLICATION**

Comes this day, Plaintiff Mr. Howard Davidson, currently proceeding *pro se*, hereby moves for leave, pursuant Fed.R.Civ.P. 4(e)(1), for an order granting Plaintiff leave to perfect service of process upon the Defendant via publication. In Support of this Motion, after being first duly sworn, under the pains and penalties of perjury, I respectfully represent as follows:

FACTS

My name is Howard Davidson, and I am the Plaintiff in the above-styled action currently before this Court. I am not represented by an attorney and I am a *pro se* litigant.

The instant Complaint seeks relief against an unknown Defendant whose actions and inactions of making tortious allegations about me on the internet tantamount to Libel, Slander, and Defamation of Character, that has caused me to sustain considerable damages by an individual known at this time only as “Jake” who lives in “Arlington Massachusetts.” See Plaintiff’s *Complaint*, hereby incorporated by reference as if fully set forth herein.

The Defendant current whereabouts are not known to Plaintiff.

FILED
IN CLERK'S OFFICE

2018 JUL 17 AM 9:50

U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In an effort to obtain the true identity of the Defendant, I have searched www.google.com; www.yahoo.com; www.facebook.com; and many other internet websites in a diligent effort. Notwithstanding, given the broad name that I have and the lack of any other identifying information, other than the Defendant's allegation made in the screen-name that the Defendant resides in "Arlington MA" I have been unable to obtain the Defendant's identity.

Plaintiff requests that the Court determine that the service on Defendant is sufficient, based on my efforts as reflected in this verified Motion, to have exhausted all available remedies to locate the Defendant, and allow service by publication. Alternatively, Plaintiff asks that the Court allow service to be made on "Jake/Arlington MA" by publication of an appropriate order in a newspaper of general circulation in the county in which Arlington, Massachusetts is located.

LAW AND ARGUMENT

Rule 4(e)(1) of the Federal Rules of Civil Procedure provides that service of an individual . . . may be effected in any judicial district of the United States pursuant to the law of the state in which the district court is located. . . .

Mass.R.Civ.P. 4(d)(1) provides the rules for personal service of the original summons and complaint. Included in this rule is a provision for occasions for which defendants cannot be located: "...If the person authorized to serve process makes return that after diligent search he can find neither the defendant, nor defendant's last and usual abode, nor any agent upon whom service may be made..., the court may on application of the plaintiff issue an order of notice in the manner and form prescribed by law." Mass.R.Civ.P. 4(d)(1).

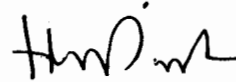
Service cannot, with due diligence, be made personally upon Defendant "Arlington MA" for the reason that it appears that "Arlington MA" is a fiction or a pen name for someone else; thus, the John Doe as referred to in the *Complaint*.

Efforts to identify and locate "Arlington MA" have been unsuccessful. The current whereabouts of a person by the name of "Arlington MA" are unknown and cannot be established, all as set forth herein, and sworn to as true and correct under the pains and penalties of perjury.

CONCLUSION

WHEREFORE, Plaintiff Howard Davison, *pro se* hereby prays that this Court will enter an Order granting me leave to perfect service of process of the Complaint and Summons in this case upon Defendant "Arlington MA" via publication, pursuant Mass.R.Civ.P. 4(d)(1), thereby enabling this Court to have personal jurisdiction of this case, or that this Court will allow and provide an oral hearing on the same prior to any adverse ruling.

Respectfully Submitted,



Mr. Howard Davison
1 School Street, Suite 402
Arlington, MA 02476
(617) 771-7922
hdavidson60@gmail.com

VERIFICATION

I, the undersigned, hereby certifies, under the pains and penalty of perjury, that the foregoing is true is correct to the best of knowledge, information, and belief; except as to those facts asserted on information and belief, and as to those, I believe them to be true and correct to the best of my information and belief:

Howard Davidson

Mr. Howard Davidson
1 School Street, Suite 402
Arlington, MA 02476
(617) 771-7922
hdavidson60@gmail.com

Jurat:

City/County of Arlington Middlesex Commonwealth of Massachusetts

The foregoing instrument was subscribed and sworn

before me this 16 day of July, 2018 by:

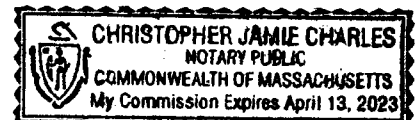
Christopher J. Charles
(Notary Public)

Notary Public's Signature: Christopher J. Charles

Notary Registration Number: _____

My Commission Expires: 04/13/2023

COMMONWEALTH OF MASSACHUSETTS
Howard Davidson
personally appeared before me, the undersigned notary public, and
proved to me his /her identity through satisfactory evidence, which
were USA Passport and
acknowledged he /she signed the foregoing instrument voluntarily
for its stated purpose on this 16 day of July, 2018
Christopher J. Charles



Christopher J. Charles